



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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[www.berlinmd.gov](http://www.berlinmd.gov)



## Mayor

Wm. Gee Williams, III

## Vice President

Elroy Brittingham, Sr.

## Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

## BERLIN, MARYLAND

## MAYOR AND COUNCIL MEETING

## Town Attorney

David Gaskill

**MONDAY, FEBRUARY 14, 2011**

## Town Administrator

Anthony J. Carson, Jr.

**COUNCIL CHAMBERS – BERLIN TOWN HALL  
10 WILLIAM STREET  
BERLIN, MD 21811**

EXECUTIVE SESSION .....NONE SCHEDULED

REGULAR SESSION .....7:00 PM

*Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144*

*TTY users dial 7-1-1 in the State of Maryland  
TTY users outside Maryland dial 1-800-735-2258*

**BERLIN MAYOR AND COUNCIL  
COUNCIL MEETING AGENDA  
Monday, February 14, 2011**

**NO EXECUTIVE SESSION**

**7:00 PM      REGULAR SESSION – Berlin Town Hall Council Chambers**

1.      Approval of the Minutes for:
  - A.    Regular Session of the Mayor and Council on January 24, 2011  
      Executive Session of the Mayor and Council on January 24, 2011  
      Statement of Closure for Mayor and Council on January 24, 2011
  - B.    Executive Session of the Mayor and Council on January 31, 2011  
      Statement of Closure for Mayor and Council on January 31, 2011
  - C.    Special Session of Mayor and Council on February 9, 2011  
      Special Executive Session of Mayor and Council on February 9, 2011  
      Statement of Closure for Mayor and Council on February 9, 2011
2.      Request for Special Event – Spring Celebration  
      Saturday, April 23, 2011
3.      104 Pitts Street – Easement (Town Attorney Gaskill will hand out Monday evening)
4.      Public Hearing - Resolution 2011-01  
      Proposed annexation of the lands of Derrickson Enterprises, LLC
5.      Departmental Reports
  - a.    Finance
  - b.    Deputy Town Administrator
  - c.    Public Works
  - d.    Water Resources
  - e.    Electric
  - f.    Police
  - g.    Planning and Zoning
  - h.    Human Resources
  - i.    Economic and Community Development
6.      Town Administrator's Report
7.      Comments from the Mayor
8.      Comments from the Council
9.      Comments from the Public
10.     Comments from the Press
11.     Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND  
Regular Session Council Minutes  
Monday, January 24, 2011

The meeting of the Mayor and Council for Monday, January 24, 2011 was called to order by Mayor Williams at approximately 7:10 p.m. Council Members Lynch, Purnell, Brittingham and Burrell were present, as well as Town Administrator Tony Carson, Director of Community and Economic Development Michael Day, Finance Director Lynn Musgrave, Water Resources Director Jane Kreiter, Administrative Assistant Sharon Timmons, Public Works Director Mike Gibbons, Deputy Town Administrator Mary Bohlen, Planning and Zoning Director Chuck Ward, Police Chief Arnold Downing and Human Resources Director Jeff Fleetwood. Town Attorney David Gaskill, Electric Utility Director Tim Lawrence and Councilmember Hall were absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for approval of the Executive Session Minutes of January 10, 2011. Councilmember Brittingham made a motion to approve the minutes and council voted unanimously to approve 4-0. Mayor Williams asked for approval of the Regular Minutes of January 10, 2011. Councilmember Lynch made a motion to approve the minutes and council voted to approve 4-0. Mayor Williams stated that the Executive Session was closed to discuss the acquisition of real property for a public purpose and a personnel matter.

Mayor Williams announced the Public Hearing for Ordinance 2011-01, an ordinance authorizing and empowering the Mayor and Council to issue and sell one or more series of general obligation bonds in an aggregate principal amount not to exceed \$10,000,000.00 for the purpose of financing, reimbursing or refinancing all or a portion of the cost of one or more activities relating to the project referred to as the "Effluent Storage and Irrigation System Project". Mayor Williams opened the Public Hearing. There being no comments from anyone from the State, County or public, Mayor Williams closed the Public Hearing. Ms. Lindsey Radar, Bond Counsel from Funk and Bolton came before the dias and explained that since the Town has not received any commitments yet from USDA any loans or grants for this project, they may proceed through 3 types of obligations: (1) Long term bonds, (2) incur interim financing through general obligation bond and anticipation notes, or (3) refunding long term general obligation bonds. She continued in stating that water system revenues could also be used to make payments. Councilmember Brittingham made a motion to approve Ordinance 2011-01 and council voted 4-0 to approve.

Deputy Town Administrator Mary Bohlen spoke to the Mayor and Council regarding the acceptance and approval of the Section 3 Plan. Ms. Bohlen explained that the Section 3 Plan was required when the Town receives funds for Block Grant and this plan brings the Town into compliance. She explained that the Section 3 Plan requires the Town to make efforts to hire local persons or those of low income when hiring or for contractors when awarded construction projects funded by CDBG. Councilmember Burrell made a motion to approve the Section 3 Plan and council voted 4-0 to approve.

Ms. Teresa Fields, Executive Director and Stephanie Gordy from Worcester Youth and Family Counseling came before the council to propose their interest in the Youth Program Coordination position. Ms. Fields stated that 25% of their clients are under the age of 18 and are of Afro-American or Hispanic background and their goals are to increase those numbers. She continued that she felt that the Town would benefit from the services of their entire organization in helping to meet the needs of the youth due to their resources and knowledge and that by combining these resources, Worcester Youth and Family could acquire additional grant funding.

Ms. Gordy explained that their plan was to appoint an internal program coordinator, explore existing youth programs here in Berlin to access the community needs and focus groups and develop relationships to establish the "Berlin Youth Advisory Council". Ms. Gordy spoke about accessing and enhancing existing programs, not creating new programs. Discussion continued. Councilmember Lynch inquired if a set of guidelines should be created regarding what the Town is looking for. Town Administrator Carson informed the council that he could work with Town Attorney Gaskill to bring back an agreement containing terms and conditions for council to review and vote on at the February 28<sup>th</sup> meeting. Council voted in consensus to proceed with a formal vote to be taken on February 28<sup>th</sup>.

Departmental reports began with Deputy Town Administrator Mary Bohlen reporting that the CDBG had toured the lagoon and Flower Street sidewalks and were pleased with the results.

Public Works Director Mike Gibbons reported that the new salt spreader had been installed.

Water Resources Director Jane Kreiter reported that the leak located on Flower Street would be repaired on Tuesday, January 25<sup>th</sup>.

Police Chief Arnold Downing reported that the new window installment and brickwork at PNC Bank would take 2-3 weeks and that the intersection at Bay and Williams would be closed during that time.

Planning and Zoning Director Chuck Ward reported on the re-construction taking place at the building next to Goobers, the Historic District meeting would be held on February 2<sup>nd</sup> and that there would be no BZA meeting held.

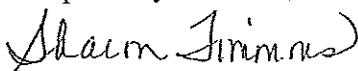
Economic and Community Development Director Michael Day reported that Berlin's Peach Festival was awarded the 2010 Heritage Event of the Year and that the Main Street website was in the process of being revamped. He also spoke about the various meetings he would be attending.

Town Administrator Tony Carson explained the reason for the outage earlier that morning was that the substation voltage had lowered to an unsafe level during a fault on the 210 circuit system and the relay protection opened circuits 220 and 230 to prevent damage to the equipment.

Mr. Carson requested approval of a contract to CES for the amount of \$3,500 for consulting services and presented 10 purchase orders (20110389, 20110741, 20110748, 20110770, 20110792, 20110768, 20110842, 02110854, 20110855 and 20110879) for approval. This report will be included as part of the minutes. Councilmember Brittingham made a motion to approve all purchase orders and the contract and council voted unanimously to approve 4-0.

Mayor Williams asked for comments from the council. There being none, Mayor Williams asked for questions from the public and the press. There being none, Councilmember Lynch made a motion to adjourn and the meeting ended at 8:15p.m.

Respectfully submitted,



Sharon Timmons  
Administrative Assistant

MAYOR AND COUNCIL OF BERLIN, MARYLAND  
Special Session Council Minutes  
Wednesday, February 9, 2011

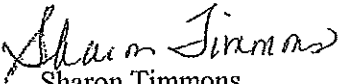
The Special Meeting of the Mayor and Council for Wednesday, February 9, 2011 was called to order by Mayor Williams at approximately 6:20 p.m. Council Members Lynch, Purnell, Brittingham, Hall and Burrell were present, as well as Town Administrator Tony Carson, Director of Community and Economic Development Michael Day and Town Attorney David Gaskill.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams announced the consideration of the purchase of property located at 14 S. Main Street. Economic and Community Development Director Michael Day explained that the property would be used a Welcome Center, offices for the Chamber of Commerce and Main Street, artists co-op and public bathrooms. Mr. Day stated that a grant from the Humphries Foundation had been approved for \$150,000.00 and a grant in the amount of \$125,000.00 had been approved by Community Legacy. The Chamber of Commerce will also be partnering with a financial commitment of \$82,500.00 and \$50,000.00 in renovations. Mayor Williams asked Town Attorney David Gaskill to confirm the structuring of repayment would be charged as rent and in the first 5 years it would be a combination of the two and then the combined rent would then drop to cover the \$82,500.00. Councilmember Burrell made a motion to approve to purchase of 14 S. Main Street for rental by the Chamber of Commerce for use as a visitors center and the other proposed uses. Council voted 3 in favor with Councilmember Lynch opposed and Councilmember Purnell abstaining.

Mayor Williams proposed tabling Item 2 on the agenda until the meeting to be held on Monday, February 14<sup>th</sup> due to the receipt of new information.

Mayor Williams asked for comments from the public. There being none, Councilmember Hall made a motion to adjourn to Executive Session and the meeting ended at 6:30 p.m.

Respectfully submitted,

  
Sharon Timmons  
Administrative Assistant

## **RESOLUTION NUMBER 2011-01**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, PROPOSING THE ANNEXATION TO THE TOWN OF A CERTAIN AREA OF LAND SITUATED AND CONTIGUOUS TO AND ADJOINING UPON THE SOUTHERN CORPORATE LIMITS OF THE TOWN OF BERLIN AND PROVIDING FOR THE CONDITIONS AND CIRCUMSTANCES APPLICABLE TO THE PROPOSED CHANGES IN BOUNDARY OF THE TOWN OF BERLIN.

WHEREAS, the Town of Berlin has received, in accordance with Section 19, Article 23A of the Annotated Code of Maryland, as amended, subtitled "Annexation", consent of the property owner of the land in the area to be annexed, being contiguous to and adjoining upon the southern Corporate limits of the Town of Berlin; and

WHEREAS, the Town of Berlin has furnished the affected property owner with its proposed "Terms and Conditions" of annexation, including the proposed provisions for the extension of municipal services to that area; and

WHEREAS, it is the intent of the Town of Berlin to comply with existing State law and to insure there are no enclaves created with the current annexation; and

WHEREAS, it appears that the consents received meet all requirements of Maryland State Law under Article 23A of the Annotated Code as amended;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Berlin as follows:

SECTION A: It is hereby proposed and recommended that the boundaries of the Town of Berlin be changed so as to annex to, and include within said municipality, all that certain area of land, together with the improvements thereto (no persons reside therein), and the property, contiguous to and adjoining upon the southern Corporate Limits of the Town of Berlin and more particularly described as follows:

Description of a part of lands of Derrickson Enterprises, LLC situation on the southerly side of Germantown Road, and the easterly side of U.S. Route 113, adjoining the Corporate Limits of Berlin, Maryland and being designated as Parcel 319 as shown on Worcester County Tax Map #32.

BEGINNING AT A POINT which is the southeasterly corner of the intersection of Germantown Road with the easterly side of U.S. Route 113; and from said point of beginning running thence by and with the southerly line of Germantown Road the following two courses

and distances: (1) North 73°, 37', 48" East 297.80 feet to an unmarked point on the southerly side of said Germantown Road; (2) Thence continuing by and with the southerly side of said Germantown Road South 74°, 31', 04" East, 233.12 feet to a found iron axle located at the boundary line between the property hereby described and the property now or formerly of L. Peter Patrick; (3) Thence leaving the southerly line of said Germantown Road and running by and with the westerly line of said Patrick property South 06°, 43', 38" West, 599.69 feet to an unmarked point which is the intersection of the southeasterly corner of the parcel hereby described with the northeasterly corner of other properties owned by Derrickson Enterprises, LLC designated as Tax Map 32, Parcel 12; (4) Thence by and with the northerly line of said Parcel 12, South 88°, 09', 22" East, 403.30 feet to a point; (5) Thence South 79°, 18', 22" East, 201.43 feet to a point which marks the southwesterly corner of the property hereby described at its intersection with the easterly line of U.S. Route 113; (6) Thence running in a northerly direction by and with the said easterly line of U.S. Route 113 with an arc to the right, and a cord bearing of North 17°, 5', 00" East, and a radius of 2,789.79 feet, a distance of 548.55 feet to the point of beginning. Said parcel hereby described containing 7.853 acres as surveyed by Madison J. Bunting, Jr., Surveyor, Inc. on January 15, 2004.

SECTION B: Upon the effective date of annexation, all of the provisions of the Charter of the Town of Berlin and all Ordinances, Resolutions, Rules and Regulations of the Town of Berlin in effect on said date shall apply to the property in the area to be annexed except as herein modified.

SECTION C: The annexation of said area is made subject to the terms and conditions as follows:

1. POLICE PROTECTION - Police services of the Berlin Police Department shall be extended into the annexed area immediately upon the effective date of annexation.
2. TRASH COLLECTION - Trash collection is available to commercial accounts upon request, provided the Town is capable of providing the requested service with existing equipment and for a fee to be established based upon uses.
3. WATER SERVICE - Town of Berlin currently has water service available to the area to be annexed.
  - (a) The property owner has advised the property will be utilized for a commercial enterprise and has estimated that twelve Equivalent Dwelling Units (EDU's) or three thousand gallons per day will be required to service the property. The Town will therefore assess the property owner "Connection Fees" for twelve EDU's. After one year of occupancy, the Town will review the water usage at the property and adjust the number of EDU's accordingly. In addition, if the property owner at some future date elects to transfer some of the EDU's to its adjacent property (the property owner does own properties contiguous with the annexed property), the

property owner may request a transfer to such adjacent property and the Town will consider the transfer of those EDU's accordingly.

- (b) All wells on the property must be abandoned and capped in accordance with the Town's Wellhead Protection Program.

4. ELECTRICAL SERVICE - The Town of Berlin will provide electrical service to the area proposed for annexation.

5. WASTEWATER SERVICE - The Town of Berlin currently has wastewater service available to the area to be annexed.

- (a) The property owner has advised the property will be utilized for a commercial enterprise and has estimated that twelve Equivalent Dwelling Units (EDU's) or three thousand gallons per day will be required to service the property. The Town will therefore assess the property owner "Connection Fees" for twelve EDU's. After one year of occupancy, the Town will review the water usage at the property and adjust the number of EDU's accordingly. In addition, if the property owner at some future date elects to transfer some of the EDU's to its adjacent property (the property owner does own properties contiguous with the annexed property), the property owner may request a transfer to such adjacent property and the Town will consider the transfer of those EDU's accordingly.

6. PAYMENT FOR EDU'S - The property owner payment for the cost of the twelve Equivalent Dwelling Units (EDU's) shall be subject to an Allocation Agreement entered into between the Mayor and Council of the Town of Berlin and the owner.

7. ZONING - The area will be Zoned as "B-3" General Business District under the Town of Berlin Zoning Ordinance, as shown on the attached map, and made a part of this document, with the consent of the Worcester County Commissioners.

8. VOTING RIGHTS - In the event that in the future, persons would reside in the annexed area, upon the effective date of annexation, those persons shall have the right to vote in all general and special elections of the Town of Berlin, subject to the same requirements applicable to all voters in the Town of Berlin.

9. PROPERTY TAXES - All property in the newly annexed area shall upon the effective date of annexation be subject to the payment of taxes, real and personal, and shall further be subject to a lien for the nonpayment thereof, in the same manner and at the same rate as properties now within the existing Town limits are subject as of the effective date of this resolution. Such taxes shall become due and payable within ninety (90) days of annexation. Commencing with the fiscal year beginning July 1, 2011, all such taxes shall be billed and collected in the same manner as all other taxes in the Town of Berlin.

Adopted this \_\_\_\_\_ day of February, 2011 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of \_\_\_\_\_ to \_\_\_\_\_ opposed, with \_\_\_\_\_ abstaining.

\_\_\_\_\_  
Elroy Brittingham, Vice-President

Approved this \_\_\_\_\_ day of February, 2011 by the Mayor of the Town of Berlin.

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

\_\_\_\_\_  
ATTEST: Anthony Carson, Town Administrator

## **OUTLINE OF EXTENSION OF SERVICES**

1. **POLICE PROTECTION** - Police services of the Berlin Police Department shall be extended into the annexed area immediately upon the effective date of annexation.
2. **TRASH COLLECTION** - Trash collection is available to commercial accounts upon request, provided the Town is capable of providing the requested service with existing equipment and for a fee to be established based upon uses.
3. **WATER SERVICE** - Town of Berlin currently has water service available to the area to be annexed.
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4. **ELECTRICAL SERVICE** - The Town of Berlin will provide electrical service to the area proposed for annexation.
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6. PAYMENT FOR EDU'S - The property owner payment for the cost of the twelve Equivalent Dwelling Units (EDU's) shall be subject to an Allocation Agreement entered into between the Mayor and Council of the Town of Berlin and the owner.

**TOWN ADMINISTRATOR'S REPORT**  
**2-14-11**

**Purchase Orders**

PO# 20110894 in the amount of \$2,200.14 to Worcester County Sheriff's Office for 72 hours of overtime patrol for months of November and December.

PO# 20110985 in the amount of \$4,000.00 to Robinson Sales for Protection System Relay for Substation.

PO# 201101058 in the amount of \$7,709.00 to Industrial Machining and Design Services for installation of relay and travel for substation.

PO# 20110198 in the amount of \$2,679.19 to Ferguson/MidAtlantic Waterworks for repair of force main at Broad Street lift station.

PO# 20111048 in the amount of \$2,925.00 to Ocean City Law Office for façade match at Ayers Building located at 9 South Main Street.

PO# 20110408 in the amount of \$1,155.00 to Atlantic Pumping for transportation of sludge to Hurlock Wastewater Treatment Plant.

PO# 201101068 in the amount of \$3,146.83 to United Rentals for rental of skid steer angrapple bucket for clean-up of Bounds property.

PO# 201101069 in the amount of \$13,650.00 to Fogles's Environmental Services for two month rental of roll off dumpsters for clean-up of Bounds property.

**Updates**